

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JABBAR WITHROW,

Plaintiff,

v.

9:05-CV-1129
(DNH)(GJD)

J. TAYLOR, Supt., Gouverneur Correctional
Facility; GEDDIS, School Principal, Gouverneur
Correctional Facility; LIBERTY, Lt., Gouverneur
Correctional Facility; BANGO, Correctional Officer,
Gouverneur Correctional Facility; YAHYA ABDUR
RAHIM, Islamic Chaplain, Gouverneur Correctional
Facility,

Defendants.

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

JAN 20 2006

LAWRENCE K. BAERMAN, Clerk
UTICA

APPEARANCES:

JABBAR WITHROW
Plaintiff, *pro se*

DAVID N. HURD
United States District Judge

ORDER

By prior Decision and Order of this Court, plaintiff Jabbar Withrow was directed to submit an amended complaint which complies with the pleading requirements of Rules 8 and 10 of the Federal Rules of Civil Procedure, if he wished to avoid dismissal of this action. Dkt. No. 9 at 4-5. Plaintiff was also directed to submit a renewed *in forma pauperis* application detailing his current financial condition. *Id.* at 5.¹

Plaintiff has complied with the Court's direction that he file a renewed *in forma pauperis* application. Dkt. No. 13. Upon review of the information set forth therein, the

¹ Plaintiff was released from custody subsequent to the commencement of this action. Dkt. No. 6.

Court finds that plaintiff has demonstrated sufficient economic need. Accordingly, plaintiff's *in forma pauperis* application is granted.

Plaintiff's amended complaint is also before this Court for review. Dkt. No. 12. In his amended complaint, plaintiff sets forth in separately numbered paragraphs his claims against the defendants. Plaintiff alleges therein that false disciplinary charges were filed against him in retaliation for his having filed grievances regarding the conditions of his confinement at Gouverneur Correctional Facility, his due process rights were violated in the course of the disciplinary hearings conducted on those charges, and he was denied the right to practice his religion. *Id.*

Because plaintiff's amended complaint substantially complies with the Court's prior Decision and Order, it may properly be filed with the Court.

WHEREFORE, it is hereby

ORDERED, that plaintiff's renewed *in forma pauperis* application (Dkt. No. 13) is granted.² The Clerk of the Court shall issue summonses and forward them, along with copies of the amended complaint, to the United States Marshals Service for service upon the defendants, together with a copy of this Order. The Clerk of the Court shall also forward a copy of the summons and amended complaint to the Office of the New York State Attorney General, together with a copy of this Order, and it is further

² Plaintiff should note that although his application to proceed *in forma pauperis* has been granted, plaintiff will still be required to pay fees that he may incur in this action, including copying and/or witness fees.

ORDERED, that a formal response to plaintiff's amended complaint be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on the defendants, and it is further

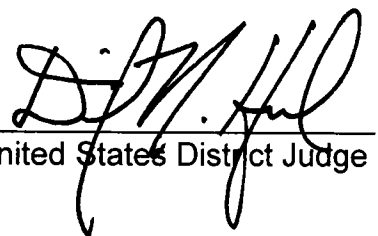
ORDERED, that all pleadings, motions and other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367.

Any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of it was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a proper certificate of service is to be returned without processing. Plaintiff shall comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. Motions must comply with Local Rule 7.1 of the Northern District of New York and are to be made returnable before the assigned Magistrate Judge on any business day with proper allowance for notice as required by the Rules. **Plaintiff must promptly notify the Clerk's Office of any change in his address; his failure to do so will result in the dismissal of this action,** and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order on plaintiff by regular mail.

IT IS SO ORDERED.

Dated: January 19, 2006
Utica, New York.


United States District Judge